
DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Proposal To Determine *Dyssodia tephroleuca* (Ashy dogweed) To Be an Endangered Species**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a plant, *Dyssodia tephroleuca* (Ashy dogweed), as an Endangered species under the authority contained in the Endangered Species Act of 1973, as amended. Historically, this plant was known from two counties in Texas. As of 1979, it was known to occur only on 1 acre in Zapata County, Texas. It is a relict species found in an area with other relict grassland plants. The continued existence of this species is endangered by overgrazing, possible further loss of habitat by roadside blading, brush clearing, and by possible collecting or vandalism. A final determination of *Dyssodia tephroleuca* to be an Endangered species would implement the protection provided by the Endangered Species Act of 1973, as amended. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by September 20, 1983. Public hearing requests must be received by September 6, 1983.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection during normal business hours by appointment, at the Service's Regional Office of Endangered Species, 421 Gold, SW., Room 407, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, Region 2 Endangered Species staff (see ADDRESSES above) (505/766-3972) or Mr. John L. Spinks, Jr., Chief, Washington Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

Dyssodia tephroleuca was first collected by E. L. Clover in 1932, and described by S. F. Blake in 1934. *Dyssodia tephroleuca* (Ashy dogweed) was historically known from two populations in southwestern Texas. Only one of these populations is known to exist at the present time. Approximately 1,300 individuals occur at this site, which is in Zapata County, Texas. *Dyssodia tephroleuca* is a perennial herb with stiff erect stems up to 30 centimeters in height.

The leaves are linear and covered with soft, wooly, ashy-white hairs. Crushed leaves emit a pungent odor. The flower heads (both ray and disk florets) are yellow to bright yellow and about 2.5 centimeters diameter. In poorer habitat or under physiological stress, individuals are shorter, have fewer and smaller flowers, and a less dense covering of hairs. Flowering is from March to May, depending on rainfall. The plants occur in fine, sandy-loam soils in open areas of a grassland-shrub community. The dominant genera in the area are *Castela*, *Cordia*, *Prosopis*, *Microrhamnus*, *Leucophyllum*, *Cercidium*, and *Yucca*.

The continued existence of this plant is primarily threatened by further reduction of its only known extant population which is mainly on private land and also on a State highway right-of-way. Overgrazing and habitat loss due to grazing, chaining, plowing, or other habitat modifications could threaten *Dyssodia tephroleuca*. Taking and vandalism of this plant are also very real threats as this plant occurs

along a major north-south highway.

Past governmental actions affecting this plant began with Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be Endangered, Threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, **Federal Register** publication. *Dyssodia tephroleuca* was included in the July 1, 1975, Notice of Review and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in the April 26, 1978, **Federal Register** publication.

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of withdrawal of the June 16, 1976, proposal, along with four other proposals which had expired (44 FR 70796). *Dyssodia tephroleuca* was included in a revised list of plants under review for Threatened or Endangered classification in the December 15, 1980, **Federal Register** (42 FR 82480-82569).

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531, *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate the 1982 Amendments) set forth the procedures for adding species to the Federal list. The Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. *Dyssodia tephroleuca* is especially impacted by factors A, C, and D. All of these factors and their application to the Ashy dogweed are as follows:

A. The present or threatened destruction, modification or curtailment of its habitat or range. *Dyssodia tephroleuca* was historically known to occur in two counties in southwestern Texas. Today it is known to exist at only one site in Zapata County. It occurs with other relict grassland species and is subject to heavy grazing pressure. At present, the most immediate threats to the range of this species are from clearing to create more grazing and cultivated land.

Currently, approximately 1,300 individuals of this species are known to exist. Approximately 300 plants were noted on the west side of the highway, on the State highway right-of-way, and on adjacent private ranchland. On the east side of the highway is a larger group, estimated at 500-1,000 plants. These are on private ranchland in a brushy area currently used for grazing and deer hunting. Adjacent land to the east has been chained recently and no *Dyssodia tephroleuca* were observed in this area. Protection plans need to be developed so that roadside maintenance is done in a way compatible with the continued existence of the *Dyssodia tephroleuca*.

B. Overutilization for commercial, recreational, scientific, or educational purposes. It is believed that the disclosure of the one specific locality for *Dyssodia tephroleuca* would further endanger the species' continued existence. Taking and vandalism of this easily accessible roadside plant could result, if attention were focused on it as is done when Critical Habitat is designated.

C. Disease or predation (including grazing). In the past, grazing has severely reduced the habitat of this plant. Undisturbed climax grassland now persists in southwestern Texas only as scattered remnants.

D. The inadequacy of existing regulatory mechanisms. The State of Texas currently has no law protecting *Dyssodia tephroleuca*. The Endangered Species Act will offer needed protection for this species. Official listing under the Endangered Species Act of 1973 will provide a means by which various conservation and recovery actions can be implemented to ensure the continued existence of this plant throughout its range.

E. Other natural or manmade factors affecting its continued existence. The species biology of *Dyssodia tephroleuca* is not well understood, but there is evidence of poor reproductive capability as seedlings and newly established plants appear to be absent. The limited number of individuals in the one existing population is a cause for

concern as natural factors could lead to its extinction. Natural successional changes in the grassland-shrub mosaic, microclimatic parameters, and degree of success in reproductive mechanisms and identity of pollinators are but a few of the unknown aspects of the species' biology that need to be understood before the reasons for the decline can be fully understood and hopefully reversed.

Critical Habitat

The Act requires that Critical Habitat be determined at the time a species is listed to the maximum extent prudent and determinable. Critical Habitat is not being proposed for *Dyssodia tephroleuca* due to its very restricted geographical distribution and accessibility. Publication of Critical Habitat maps in the **Federal Register** is required when Critical Habitat is designated. Only one site is known to exist for this species and it is bisected by a major highway. There is the possibility of taking and vandalism of this species on non-Federal lands which would not be prohibited by the Endangered Species Act. It would not benefit the species to bring further attention to the one site where it occurs via Critical Habitat designation.

Available Conservation Measures

The protection afforded *Dyssodia tephroleuca* by this proposal if published as a final rule, is discussed below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. This rule requires Federal agencies to satisfy their statutory obligations with respect to this species. As a proposed species, agencies are required under Section 7(a)(4) to informally confer with the Service on any action that is likely to jeopardize the species. This protection would now accrue to *Dyssodia tephroleuca*. If published as a final rule, this proposal would require Federal agencies to ensure that activities they authorize, fund or carry out, are not likely to jeopardize the continued existence of *Dyssodia tephroleuca*. Provisions for Interagency Cooperation which implement Section 7 of the Act are codified at 50 CFR Part 402. The impact of Section 7 on this species probably would be minimal as there are no known Federal activities or involvement in the area where *Dyssodia* occurs.

The Act and implementing regulations published in the June 24, 1977, **Federal Register** set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. The

regulations which pertain to Endangered plants are found at § 17.61 of 50 CFR and are summarized below.

With respect to *Dyssodia tephroleuca* all trade prohibitions of Section 9(a)(2) of the Act, as implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. Section 10(a) of the Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances. International and interstate commerce in *Dyssodia tephroleuca* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be issued, since this plant is not common in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. This new prohibition would apply to *Dyssodia tephroleuca* if it were listed and if populations were found on Federal lands. No such populations are known to exist on Federal lands at present. Permits for exceptions to this prohibition are available under Section 10(a) of the Act, following the general approach of 50 CFR 17.62 and 17.63 until revised regulations to reflect 1982 amendments to the Act are promulgated.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903). It is anticipated that few taking permits for the species will ever be requested.

The Service will now review this species to determine whether it should be considered for placement upon the

Annex of the Convention on Nature Protection and Wildlife Preservation in the Western hemisphere or other appropriate treaties.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and the Regional Office (see ADDRESSES section), and may be examined, by appointment, during regular business hours. A determination will be made at the time of a final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500-1508).

Public Comments Solicited

The Service intends that any rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. biological or other relevant data concerning any threat (or the lack thereof) to *Dyssodia tephroleuca*;
2. the location of any additional populations of *Dyssodia tephroleuca* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided by Section 4 of the Act; and,
3. additional information concerning the range and distribution of this species.

Final promulgation of the regulations on *Dyssodia tephroleuca* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal or to a decision not to publish a final regulation.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Authors

The authors of this proposed rule are Ms. Sandra Limerick and Ms. Rosemary H. Carey, Endangered Species staff, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103. Status information was provided by Dr. B. L. L. Turner, University of Texas, Austin, Texas. Ms E. LaVerne Smith and Dr. C. Kenneth Dood, Jr. of the Washington Office of Endangered Species served as editors.

References

- Blake, S.F. 1935. New Asteraceae. Journal of the Washington Academy of Sciences 25:320-321.
- Correll, D.S. and M.C. Johnston. 1970. *Manual of the Vascular Plants of Texas*. Texas Research Foundation, Renner, Texas. xiii + 1881 pp.
- Turner, B.L. 1980. Status Report: *Dyssodia tephroleuca* Blake. Office of Endangered Species, U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 5 pp.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 is as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order, the following to the list of Endangered and Threatened plants:

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Asteraceae.—Aster family:						
<i>Dyssodia tephroleuca</i>	Ashy dogweed	U.S.A. (TX)	E		NA	NA

Dated: June 10, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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